

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-6916

HARRY T. HANLEY,

Petitioner - Appellant,

versus

TROY WILLIAMSON, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the Southern District of West Virginia, at Bluefield. Elizabeth V. Hallanan, Senior District Judge. (CA-03-230-1, CR-91-66-1)

Submitted: November 26, 2003

Decided: December 18, 2003

Before WILLIAMS, MICHAEL, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Harry T. Hanley, Appellant Pro Se. Michael Lee Keller, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Harry T. Hanley, a federal prisoner, appeals the district court's order dismissing for lack of jurisdiction his 28 U.S.C. § 2241 (2000) petition challenging the legality of his conviction and sentence. Although in limited circumstances a federal prisoner may file a § 2241 petition, such circumstances do not exist in this case. See In re Jones, 226 F.3d 328, 333-34 (4th Cir. 2000). Hanley's petition is properly construed as a successive 28 U.S.C. § 2255 (2000) motion, and he must obtain authorization from this court to file such a motion in the district court. See 28 U.S.C. § 2244(b)(3) (2000). We accordingly deny leave to proceed in forma pauperis and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED